

SENATE COMMITTEE ON RULES

June 23, 2005
3:00 P.M.

Hearing Room C
Tapes 121 – 124

Corrected 10/27/05

MEMBERS PRESENT: Sen. Kate Brown, Chair
Sen. Ted Ferrioli, Vice-Chair
Sen. Jason Atkinson
Sen. Charlie Ringo
Sen. Frank Shields

GUEST MEMBER: Sen. Ben Westlund

STAFF PRESENT: Tiffany Harris, Committee Administrator
James Goulding, Committee Assistant

MEASURE/ISSUES HEARD:

Session HCR 13 – Public Hearing and Work HJM 7 – Public Hearing and Work Session
HCR 17 – Public Hearing and Work Session
HJR 25 – Public Hearing and Work Session
HB 2050A – Public Hearing and Work Session
HB 3090A – Public Hearing
HB 3073A – Public Hearing
SB 1000 – Work Session
HB 3092A – Public Hearing and Work Session
SB 671 – Public Hearing and Work Session
SB 1079 – Public Hearing

These minutes are in compliance with Senate and House Rules. Only text enclosed in quotation marks reports a speaker's exact words. For complete contents, please refer to the tapes.

TAPE/#	Speaker	Comments
TAPE 121, A		
003	Chair Brown	Calls the meeting to order at 3:05 p.m. Opens the public hearing on HCR 13.
<u>HCR 13 – PUBLIC HEARING</u>		
008	Rep. Donna Nelson	House District 24. Testifies in favor of HCR 13. Explains the designation of the City of Dayton as a National Historic Resource.
025	Chair Brown	Closes the public hearing on HCR 13. Opens a public hearing on HJM 7.
<u>HJM 7 – PUBLIC HEARING</u>		
032	Rep. Nelson	House District 24. Testifies in favor of HJM 7 on behalf of the City of Carlton. Refers to a letter from Carlton Mayor Kathie Oriet and provides information on a large landslide that impacted the city.
057	Chair Brown	Closes the public hearing on HJM 7 and opens the public hearing on HCR 17.
<u>HCR 17 – PUBLIC HEARING</u>		
072	Rep. Nelson	Testifies in favor of HCR 17 honoring Rickard Eymann for his

085	Chair Brown	public service. Closes the public hearing on HCR 17 and opens the public hearing on HJR 25.
<u>HJR 25 – PUBLIC HEARING</u>		
088	Rep. Nelson	Offers testimony in favor of HJR 25. Asks that the bill be amended to allow use of the reserve money.
105	Chair Brown	Closes the public hearing on HJR 25 and opens the public hearing on HB 2050A.
<u>HB 2050A – PUBLIC HEARING</u>		
108	Rep. Nelson	Testifies in favor of HB 2050A. Provides an example of a situation involving extreme threats of abuse to a young woman.
137	Chair Brown	Closes the public hearing on HB 2050A. Opens a public hearing on HB 3090A.
<u>HB 3090A – PUBLIC HEARING</u>		
143	Tiffany Harris	Committee Administrator. Explains the provisions of HB 3090A.
147	Rep. Jerry Krummel	House District 26. Submits an outline of HB 3090A which is attempting to bring further integrity to the ballot process (EXHIBIT A) .
175	Rep. Kim Thatcher	House District 25. Testifies in favor of HB 3090A discussing the need for more safeguards in the system.
192	Chair Brown	Asks about the provision in Section 9 dealing with the discovery of uncounted ballots after an election has been tallied.
198	Rep. Thatcher	Answers that county clerks can contest their own election results.
205	Sen. Shields	Recalls concern expressed by students visiting from Oregon State University that this measure would consider the boxes they use unofficial.
223	Rep. Thatcher	Informs that the county clerks can set up official drop sites wherever they choose and suggests the students appeal for additional drop sites on campus.
230	Rep. Krummel	Encourages the student government to identify where drop sites could be located and work with the county clerks to set them up.
247	Sen. Shields	Expresses concern that the county clerks may not address this without legislative influence.
257	Rep. Krummel	Responds that he has found county clerks easy to deal with and feels they would be receptive to student and faculty requests for more than one drop box on campus.
275	Sen. Ringo	Asks what is the penalty of a ‘Class C’ felony.
280	Rep. Thatcher	Answers the penalty is five years and \$25,000.
289	Sen. Ringo	Comments on the perception that a harsh penalty will deter illegal activity, noting, that those committing the crime often are unaware of the extent of the penalty. Asks how would this affect the gathering of ballots in a neighborhood.
305	Rep. Krummel	Relates a discussion held earlier on this measure. Explains the intent is to prevent someone from creating a drop site that looks official but is not.
327	Sen. Ringo	Asks if ‘drop site’ is defined in the measure.
330	Rep. Krummel	Replies that it is on page two, Section 6 and reads the definition.
352	Chair Brown	Clarifies that the Secretary of State’s office is concerned only with Section 9.
355	Rep. Thatcher	Explains how the penalty portion of the measure evolved.
373	Chair Brown	Notes the fiscal impact statement does not appear to anticipate numerous prosecutions.
378	Rep. Krummel	States that the language in Section 9 has been clarified with the county clerks.

Correspondence submitted for the record **(EXHIBIT B)**.

401	John Kauffman	Oregon Association of County Clerks. Reviews the provisions of the 24-hour drop boxes and the requirement of training the official observers. Urges support of the bill.
TAPE 122, A		
020	Chair Brown	Inquires if the counties have concerns about a potential fiscal impact for training the election observers.
023	Kauffman	Replies no.
027	Chair Brown	Asks about alternative ballot collection events, such as parties.
033	Kauffman	Responds that the primary concern is to discourage illegal activities and get the ballots.
036	John Lindback	Director, Elections Division, Secretary of State's Office. Discusses the replacement ballot . Explains that Section 9 represents a policy change and is a reaction to the unfortunate events in the King County Washington election.
075	Lindback	Discusses the current process in Oregon and questions the removal of the county clerk from the election process. Observes the omission of dates in regard to when training is to take place and offers to work with the clerks to establish parameters.
123	Sen. Ringo	Asks where in the bill is the prohibition of unofficial ballot drop sites.
127	Lindback	Responds that under current law a box is required to have a label stating it is an "unofficial drop site". This bill removes that language.
134	Sen. Ringo	States the bill does not prohibit unofficial drop sites but place of deposit is not defined.
143	Lindback	Responds that the intent is eliminate unofficial drop boxes.
152	Sen. Ringo	Comments on voting parties and other unofficial deposits for ballots.
158	Lindback	Replies it would be helpful if it was defined further.
171	Chair Brown	Shares her interpretation of the language in lines 27 and 28. Considers it may need additional clarification in statute.
180	Sen. Ringo	States the intent is to get to the unattended boxes.
188	Sen. Ferrioli	Comments that they are trying to define a negative and believes the bill is affirmative about defining the official locations.
202	Chair Brown	Asks what is an official place for ballots.
205	Ted Reutlinger	Legislative Counsel. Explains that the bill is intended to prohibit people from setting up a site to collect ballots. The bill further explains that the county clerks determine where the sites are.
219	Chair Brown	Considers further clarifying lines 27 and 28 using the term "public".
222	Reutlinger	Responds it may narrow the scope, but would also open up interpretation on what is considered public or private.
234	Sen. Ferrioli	Comments that the solicitation of ballots to unapproved sites should be prohibited.
246	Sen. Atkinson	Asks if the Secretary of State's office worked with the proponents on Section 9.
251	Lindback	Replies they felt that the issue was fixed on the House side but upon further review it needs more work.
257	Sen. Ringo	Asks could the Lion's Club have a box for dropping off ballots over a period of a few weeks.
261	Lindback	Replies not under this bill.
263	Sen. Ringo	Asks could they have a meeting and collect the ballots and take

		them to an approved site.
268	Lindback	Responds this is a gray area in the measure. Notes that the ballots would need to free of tampering concerns.
276	Sen. Ringo	Notes the difference in the two situations is the supervision of ballots.
283	Lindback	Responds that is where he is drawing the line on the bill.
285	Chair Brown	Asks how would the Lion's Club, a church or the YMCA be distinguished.
290	Lindback	Responds it an event versus just a box.
300	Sen. Ringo	Asks Mr. Reutlinger if he is in agreement with Mr. Lindback's interpretation.
301	Reutlinger	Believes the grey area is in offering to do someone a favor and establishing a place of deposit. Believes that if the intent is to gather ballots from a number of people to be delivered to the clerk that would be a place of deposit prohibited by this bill.
327	Sen. Ringo	Asks what is the penalty for a Class C felony.
328	Reutlinger	Answers five years and a lot of money.
341	Alan Mishler	Board Member, Oregon Student Association (OSA). Submits and reads prepared testimony in opposition to HB 3090A (EXHIBIT C).
401	Chair Brown	Asks how many registered voters were on campus during the last election cycle.
410	Mishler	Replies he does not know the exact amount but believes it was in the thousands.

TAPE 121, B

010	Mishler	Continues to read written testimony stating this bill would limit the opportunity for students to vote on campus.
017	Joe Schaeffer	Service Employees International Union (SEIU) Local 503. Testifies in opposition to the measure. Expresses concern about the effect this would have on the participation of student voters .
056	Chair Brown	Encourages the proponents to come forward with additional examples of what this measure would address.
066	Sen. Ringo	Asks that interested parties contact his staff as soon as possible.
074	Chair Brown	Closes public hearing on HB 3090A. Opens a public hearing on HB 3073A.

HB 3073A – PUBLIC HEARING

075	Tiffany Harris	Committee Administrator. Explains the provisions of HB 3073A.
080	Rep. Billy Dalto	House District 21. Explains the reason for the bill is to allow psychiatric workers to defend themselves without being subjected to an abuse charge. Urges support of the bill.
105	Mary Botkin	American Federation of State, County, and Municipal Employees (AFSCME). States that direct care staff, doctors and nurses face random attacks by clients daily. Reiterates that this bill specifies that reasonable self defense is not abuse.
140	Botkin	Discusses the safeguards included in the measure.
145	Chair Brown	Comments on a letter from Representative Barnhart dated June 17, 2005 noting a technical error within the measure.
150	Botkin	Notes there is concern for protection when helping a colleague.
165	Chair Brown	Closes the public hearing on HB 3073A and opens the public hearing on HB 2050A.

HB 2050A – PUBLIC HEARING

168	Sen. Ringo	Explains the provisions of HB 2050A. States the reason for the bill is to provide that a sex offender cannot move within less than
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		three miles of their victim. Notes that the –A6 amendments address the issue of the victim moving within three miles of the offender (EXHIBIT D) .
211	Sen. Ringo	Discusses halfway house provisions.
225	Pat Shreiner	Commander, Marion County Sheriff's Office Parole and Probation Division. Suggests modifying the language to indicate that community corrections must work with victims in implementing the supervision plan. Adds its not just where the victim lives but also where they work or shop.
270	Shreiner	Refers to Section 2, line 40 and explains that offenders minimize the harm done.
297	Sen. Shields	Clarifies that if a victim is convinced to change their position, the offender could demonstrate to the court that no mental intimidation or pressure occurred during the crime.
328	Shreiner	Affirmative.
307	Sen. Ringo	Observes the problems of balancing the measure so it is neither too strict nor too loose. Feels the measure strikes a good balance.
335	Ronelle Shankle	Legislative Liaison to Attorney General, Department of Justice. Testifies on behalf of the Attorney General's Sexual Assault Task Force in support of HB 2050A.
360	Michael Selvaggio	Staff, Office of Senator Charlie Ringo. Address Marion County's concern. Reviews the provisions of the –A6 amendments.
TAPE 122, B		
033	Chair Brown	Closes public hearing on 2050A. Opens a work session on SB 1000.
<u>SB 1000 – WORK SESSION</u>		
045	Chair Brown	Requests legislative counsel review the -2 amendments (EXHIBIT E) .
048	Doug McKean	Deputy Legislative Counsel. Begins a detailed review of the amendments starting with the first three lines of page one where six sections have been deleted from the introduced version of SB 1000.
095	McKean	Details the deletions in lines 34 – 35, page two and lines 1 – 13, page three. Discusses the Mrs. Murphy exception.
113	Chair Brown	Clarifies that if Mrs. Murphy does not want to rent her cottage to a lesbian, or a woman, or a man she does not have too. Asks about familial status.
114	McKean	Responds affirmatively. Defines "familial status".
119	Sen. Ferrioli	Notes the "Mrs. Murphy" provisions are currently in statute.
125	McKean	Confirms and adds that sexual orientation has been added. Continues with page eight of the bill.
137	Chair Brown	Asks if this would prohibit the commission from recommending that homosexuality be taught in the classroom.
145	McKean	Responds that agencies and councils that advise the commission cannot advise or recommend certain education regarding sexual orientation.
156	Sen. Ferrioli	Asks how this dovetails with legislation pending on cultural competency.
158	McKean	Answers he does not know.
151	McKean	Proceeds with describing the effects of the amendments on page fourteen of the bill.
178	Chair Brown	Clarifies that the statute remains but the addition of sexual orientation is no longer added in the bill.
161	McKean	Answers affirmatively that section of law is not amended by the

219	McKean	bill. Continues with the review of pages 16 through 18.
253	McKean	Continues to review pages 19 and 20.
266	McKean	Continues to review the amendments on page 23.
		Discusses Sections 40 through 46 regarding the effective date of the act changed to read the operative date of the amendments.
		Section 46 (a), page three, line 21 of the amendments show that everything in the bill that does not involve civil unions becomes operative on July 1, 2006.
295	McKean	Refers to pages three and four of the amendments regarding solemnizing marriage or civil union.
300	Chair Brown	Confirms that in current law a religious official is not required to officiate a marriage that is deemed inappropriate.
307	McKean	Replies yes and provides an example. Continues with a review of page 29 of the bill.
332	Sen. Ferrioli	Remarks that the overall character of the -2 amendments is to remove a number of requirements that were previously in SB 1000.
315	Chair Brown	Responds that the amendments are a narrowing to address concerns raised in the public hearings.
342	McKean	Continues to review page 29 of the bill and page four of the amendments regarding the child of a partner in a civil union.
365	Chair Brown	Recesses the work session on SB 1000 until 6:00 p.m.
		Announces that SB 660 will be held over until tomorrow. Opens a public hearing on HJR 25.

HJR 25 – PUBLIC HEARING

404	Brian Delashmutt	Community Providers Association of Oregon. Testifies in favor HJR 25.
411	Chair Brown	Closes the public hearing on HJR 25 and opens the work session on HCR 13.

HCR 13 – WORK SESSION

423	Sen. Brown	MOTION: Moves HCR 13 be sent to the floor with a BE ADOPTED recommendation.
		VOTE: 4-0-1
		EXCUSED: 1 - Ringo
	Chair Brown	Hearing no objection, declares the motion CARRIED.
		SEN. GEORGE will lead discussion on the floor.
420	Chair Brown	Closes the work session on HCR 13 and opens the work session on HCR 17.

HCR 17 – WORK SESSION

424	Sen. Brown	MOTION: Moves HCR 17 be sent to the floor with a BE ADOPTED recommendation.
425		VOTE: 5-0-0
	Chair Brown	Hearing no objection, declares the motion CARRIED.
		SEN. BROWN will lead discussion on the floor.
428	Chair Brown	Closes the work session on HCR 17 and opens the work session on HJM 7.

HJM 7 – WORK SESSION

430	Sen. Brown	MOTION: Moves HJM 7 be sent to the floor with a BE ADOPTED recommendation.
433		VOTE: 5-0-0
	Chair Brown	Hearing no objection, declares the motion CARRIED.
		SEN. GEORGE will lead discussion on the floor.
437	Chair Brown	Closes the work session on HJM 7 and opens the work session

HJM 25 – WORK SESSION

437 Sen. Brown

438

Chair Brown

442

Chair Brown

HB 2050 – WORK SESSION

454 Sen. Ringo

457

Chair Brown

460

Sen. Ringo

463

Chair Brown

476

Chair Brown

TAPE 123, A

HB 3092A – PUBLIC HEARING

024 Tiffany Harris

032

J.L. Wilson

046

Chair Brown

048

Wilson

052

Sen. Atkinson

052

Wilson

058

David Barenberg

065

Mark Long

074

Sen. Atkinson

075

Long

080

Barenberg

083

Chair Brown

HB 3092A – WORK SESSION

086 Sen. Brown

087

on HJR 25.

MOTION: Moves HJR 25 be sent to the floor with a BE ADOPTED recommendation.

VOTE: 5-0-0

Hearing no objection, declares the motion CARRIED.

SEN. RINGO will lead discussion on the floor.

Closes the work session on HJM 25 and opens the work session on HB 2050.

MOTION: Moves to ADOPT HB 2050A-A6 amendments dated 6/22/05.*(see tape log dated 6/28 for reconsideration)

VOTE: 5-0-0

Hearing no objection, declares the motion CARRIED.

MOTION: Moves HB 2050 to the floor with a DO PASS AS AMENDED recommendation.

VOTE: 5-0-0

Hearing no objection, declares the motion CARRIED.

SEN. RINGO will lead discussion on the floor.

Closes the work session on HB 2050 and opens the public hearing on HB 3092A.

Committee Administrator. Explains the provisions of HB 3092A. States there are –A5 amendments (**EXHIBIT F**).

Plumbing, Heating, Cooling Contractors of Oregon (PHCC).

States this bill was introduced because PHCC is frustrated with the plumbing plan review process. Explains that the –A5 amendments authorize the Department of Consumer and Business Services (DCBS) to initiate the rule that has been agreed to.

Asks if Pac/West is okay with the bill.

Answers affirmatively noting others that are in support.

States that every municipality in his district has urged non-support of the bill.

Speculates that it is the un-amended version they are alluding to.

League of Oregon Cities. States there was substantial opposition to earlier versions of the bill. There have been no objections noted to the amendment.

Administrator, Building Codes Division.

Requests confirmation that there is no opposition to the bill.

Responds affirmatively. Responds that there was opposition prior to the amendments.

Offers to talk with any of the communities that may have concerns.

Closes the public hearing on HB 3092A and opens the work session on HB 3092A.

MOTION: Moves to ADOPT HB 3092A-A5 amendments dated 6/20/05.

VOTE: 4-0-1

AYE: 4 - Atkinson, Ferrioli, Shields, Brown

	Chair Brown	EXCUSED: 1 - Ringo
090	Sen. Brown	Hearing no objection, declares the motion CARRIED.
		MOTION: Moves HB 3092A to the floor with a DO PASS
		AS AMENDED recommendation.
098		VOTE: 4-0-1
		AYE: 4 - Atkinson, Ferrioli, Shields, Brown
	Chair Brown	EXCUSED: 1 - Ringo
		The motion CARRIES.
		SEN. BROWN will lead discussion on the floor.
100	Chair Brown	Closes the work session on HB 3092A and opens the public hearing on SB 671.
<u>SB 671 – PUBLIC HEARING</u>		
101	Tiffany Harris	Explains the provisions of SB 671. States there are -8 and -12 amendments intended to be adopted together (EXHIBIT G).
105	Dave Barrows	Oregon Mutual Utility Development Corporation. Submits an outline of the Mutual Utility plan package (EXHIBIT H). Replies that the -8 amendments have had multiple hearings in the Senate Business and Economic Development committee. States that the -8 amendments replace the original SB 671. Explains the concept behind the language in the amendments.
140	Barrows	Discusses irrevocable and non-irrevocable tariffs.
190	Barrows	States the bill allows the PUC to do a irrevocable tariff and gives them the comfort to manage the utility. Believes that all options should be on the table to “stop the train” and not do stock distribution.
225	Julie Brandis	Associated Oregon Industries (AOI). States that all customer groups are opposed to this bill. Notes the six reasons AOI is opposed to the bill: 1) lack of noticeable input from consumer/customer groups 2) the structure provided by SB 1008 3)increase of rates resulting from potential bidding wars on the purchase price of PGE 4) does not prohibit the recovery of good will 5) evaluation of prudent costs 6) governance and rate making structure.
308	Marc Nelson	Industrial Customers of Northwest Utilities. Concurs with the points made by Ms. Brandis. States that the PUC does not have a structure to regulate a customer owned utility. Expresses the regulatory authority of the PUC.
340	Nelson	Emphasizes that the financing method of the utility will be put on the customer and the proposal is opposed by all customer groups. Comments on SB 1008 and states neutrality.
385	Sen. Atkinson	Asks what kind of governance structure would be needed.
387	Nelson	Replies a co-op with an elected board.
398	Sen. Atkinson	Asks why Industrial Customers of Northwest Utilities prefers a municipality owning PGE.
407	Nelson	Answers there is not a public versus private preference.
TAPE 124, A		
010	Sen. Atkinson	Asks if a co-op was written in, what would make the industrial customers more comfortable.
022	Nelson	Replies an elected board governing the rate structure .
028	Sen. Atkinson	Asks does Mr. Nelson believe that PGE, under the mutual proposal, would be unregulated by the PUC.
032	Nelson	Answers that the bill is silent, the possibility is the concern.
043	Brandis	Points out the PUC balances shareholder interest against captive

063	Chair Brown	ratepayers interest. Mentions the PUC findings in the Texas Pacific Group (TPG) acquisition attempt. Closes public hearing on SB 671. Opens a public hearing on SB 1079.
<u>SB 1079 – PUBLIC HEARING</u>		
070	Ted Hughes	Representing J.C. Reeves Construction Company. States that SB 1079 addresses a single piece of property in West Salem that is owned by Mr. Reeves.
105	J.C. Reeves	Provides a brief history on how the property ended up being inside the city limits but outside the Urban Growth Boundary (UGB).
120	Chair Brown	Asks how long he has owned the property.
121	Reeves	Answers eight years. Explains why he wants to do this.
130	Sen. Shields	Clarifies Mr. Reeves' prior statement on the history.
136	Reeves	Reiterates that the property was taken out of the UGB leaving it in the city outside of the UGB.
140	Chair Brown	States that Governor Kulongoski has expressed concern about moving forward on the bill.
157	Hughes	Replies that they will follow up on those concerns.
161	Stephen Kafoury	Oregon Chapter, American Planning Association. Notes a process is already in place for resolving cases of this nature. Expresses that it should not be the responsibility of the legislature to spot zone.
179	Bob Rindy	Department of Land Conservation and Development (DLCD). States they are not opposing the bill but have concerns about the legislature usurping the local process. Presents written testimony on behalf of Director Shetterly (EXHIBIT I).
195	Elon Hasson	1000 Friends of Oregon. Submits prepared testimony from Mary Kyle McCurdy (EXHIBIT J). Notes that the letter sent to Senator Deckert was intended to find out who was interested in the legislation. Concurs with Mr. Kafoury that the legislature should not be involved in spot zoning.
205	Kafoury	Adds that he talked with the City of Salem planning staff who have no position at this time.
227	Chair Brown	Closes the public hearing on SB 1079 and opens the work session on SB 671.
<u>SB 671 – WORK SESSION</u>		
234	Sen. Ferrioli	MOTION: Moves to ADOPT SB 671-8 amendments dated 5/19/05.
241		VOTE: 4-0-1 EXCUSED: Ringo Hearing no objection, declares the motion CARRIED.
243	Chair Brown Sen. Ferrioli	MOTION: Moves to ADOPT SB 671-12 amendments dated 6/22/05.
244		VOTE: 4-0-1 EXCUSED: Ringo Hearing no objection, declares the motion CARRIED.
247	Chair Brown Sen. Ferrioli	MOTION: Moves SB 671 to the floor with a DO PASS AS AMENDED recommendation.
251		VOTE: 4-0-1 EXCUSED: Ringo Hearing no objection, declares the motion CARRIED. SEN. METSGER will lead discussion on the floor.
	Chair Brown	

236	Chair Brown	Recesses the committee at 5:40 p.m..
RECESS		
238	Chair Brown	Calls the committee back to order at 6:10 p.m. Opens the work session on SB 1000.
<u>SB 1000 – WORK SESSION</u>		
248	David Fidanque	Executive Director, ACLU of Oregon. Notes there are some painful concessions with the -2 amendments (EXHIBIT E). Mentions for the record the interpretations of legislative council and the ACLU that granting civil unions would not grant access to the institution of marriage.
300	Fidanque	States the intent for the exemptions of religious organizations is to permit a religious institution to discriminate in positions that are core to the primary purpose of the church or institution that are not connected to a commercial or business activity.
335	Chair Brown	Asks would a church custodian be a position that permits discrimination of employment because it is not related to the core mission of the church.
347	Fidanque	Answers that the position is not closely connected with the primary purpose of the church or institution as a teacher would be.
415	Fidanque	Suggests a change to the language in the -2 amendments, page two, line 30, “based on a student’s sexual orientation”.
TAPE 123, B		
005	Sen. Shields	Comments on the grammar page 22 Subsection 2 and the amendments.
010	Chair Brown	Considers a conceptual amendment on line 30 changing “person” to “student” and acknowledges the grammar use.
014	Sen. Ferrioli	Interprets that the bill under the amendment would allow for the dismissal of a teacher strictly for their sexual orientation.
020	Fidanque	Replies that the employment discrimination statute would specifically prohibit that. Explains the understanding is that this would apply only to students and other participates in a program or service.
030	Sen. Ferrioli	Refers to page two, line 29 of the -2 amendments and interprets that the language could include teaching.
045	Fidanque	Agrees that it is a possibility that he amendment could be interpreted this way and reiterates clarifying the language from “person” to “student”. Notes the Tanner decision.
065	Dave Heynderickx	Acting Legislative Counsel. Provides greater detail of the laws that prohibit discrimination in employment, housing and public accommodations. Observes that this would not override Chapter 659.
084	Sen. Ferrioli	Asks what protection would this measure add.
087	Heynderickx	Explains that the primary intent of the statute was to prevent discrimination against providing services to students which is different from providing public accommodation..
097	Chair Brown	Clarifies that current statute reads “persons” which is unclear. Believes that the application is to protect students rights; teachers concerned about employment discrimination would refer employment discrimination chapters.
103	Fidanque	Suggests changing the word “same” on page 30 Section 67 (3) to “comparable”. Explains that the word “same” might imply its the same as marriage, and it is not.
120	Chair Brown	Asks if the passage of Ballot Measure 36 prohibits the same legal

		status on civil unions as in a marriage or is it prohibiting same sex partners from marrying.
141	Heynderickx	Comments it may be a matter of terminology. Asks what is the difference between a civil union that conveys the same status but is not called a marriage.
168	Fidanque	States that adding “comparable” would define “civil unions” as not being the same thing as “marriage”.
177	Sen. Westlund	Asks is there a legal reason to remove “same” and insert “comparable.”
181	Heynderickx	Believes there may a legal argument for taking it out with Ballot Measure 36.
180	Bob Castagna	Oregon Catholic Conference. Refers to page two, line six (EXHIBIT E) related to the primary purposes of the church or institution. Expresses concern that the language is unconstitutional because of state entanglement in the affairs of a religious organization. Explains that interpretation would define the primary purpose of the church or institution. Discusses their employment contract clause regarding “lifestyle”.
205	Chair Brown	Asks Mr. Castagna about the issue of morality.
210	Castagna	Reiterates that the church reserves the right to dismiss an employee if their lifestyle is contrary to church teaching.
213	Fidanque	States that current law prohibits discrimination based on marital status of an employee.
219	Chair Brown	Confirms that under current law the church could not fire a women who received a divorce during her employment even if they oppose her morality.
225	Fidanque	Answers affirmatively. Under current law the only discrimination a church can engage in is the religious affiliation of the employee.
240	Chair Brown	Asks can the Catholic church fire someone from their employment based upon immoral behavior.
245	Castagna	Responds that the archdiocese has a contract with its employees that has a “lifestyle” provision, which if violated, they can be fired.
250	Sen. Ferrioli	Observes that the right currently does not exist in Oregon law but the -2 amendments would provide for it.
257	Fidanque	Answers affirmatively. Reiterates that current Oregon law the only provides for religious affinity discrimination. The amendments would permit sexual orientation discrimination in certain situations.
274	Sen. Ferrioli	Confirms that this would create a greater latitude for discrimination by religious institutions.
277	Sen. Westlund	Asks if there has been a test case where an employee was fired by the church on moral grounds and litigated the issue.
287	Castagna	Answers he does not know. Reiterates that there is “lifestyle” clause in the employment contract that is not unique to the archdiocese or the state of Oregon.
290	Chair Brown	States that her understanding of this bill would not prohibit the hiring of a gay or lesbian person to a teaching position in church.
294	Castagna	Expresses the concern is the example of the janitor and the “lifestyle” clause would still be in the employment contract.
300	Chair Brown	Asks does he agree that under hiring practices, the church can still discriminate against gays or lesbians.
305	Castagna	Agrees if it is related to the core purpose, the church retains the

318	Sen. Ferrioli	discretion to hire or fire. The question is who is determining what the primary purpose of a church or religious institution is.
325	Fidanque	Notes instances when citizens waive their constitutional right. Replies that he is unaware if it is an unlawful employment practice to ask an employee to waive statutory rights as a condition of employment. Discusses the concern regarding "public scandal"; conduct of an employee that is contrary to the policies of the institution.
357	Sen. Ferrioli	Mentions that there are performance standard clauses in private sector employment contracts.
377	Castagna	States that the Catholic church distinguishes between sexual orientation and sexual activity; this measure does not make that distinction.
380	Tootie Smith	Oregon Family Council. States that the -2 amendments are in violation of Measure 36 because every Oregon marriage statute can be affected by this bill. States that the fiscal and economic impacts to government and the business community in regard to health benefits have been ignored; testimony has not been received from insurance companies as to what those costs may be.
TAPE 124, B		
013	Smith	Discusses sexual orientation regarding certain rights. Supports reciprocal benefits.
030	Chair Brown	Responds to the reciprocal beneficiaries issue. Offers to review what benefits Ms. Smith believes are appropriate.
045	Chair Brown	States for the record that the committee will move forward on this bill this evening and there will be a minority report.
064	Sen. Westlund	Refers to page 22 of the bill, line 6, subsection 2 and asks if there is a consistency issue regarding "a person" and "students".
080	Chair Brown	Responds that it is not technically necessary to amend "person" to "student". Explains the intent is to clarify in the language where the discrimination is allowed.
089	Dave Heynderickx	Clarifies that the exception would only apply to students.
100	Sen. Brown	MOTION: Moves to SUSPEND the rules for the purpose of considering a conceptual amendment.
101		VOTE: 5-0-0
	Chair Brown	Hearing no objection, declares the motion CARRIED.
103	Sen. Brown	MOTION: Moves to AMEND SB 1000 -2 AMENDMENTS dated 6/23/05 on page 2, in line 30, change "person's" to "student's".
112		VOTE: 5-0-0
	Chair Brown	Hearing no objection, declares the motion CARRIED.
115	Sen. Ferrioli	Asks if this is the only conceptual amendment being made.
116	Chair Brown	Answers affirmatively.
123	Chair Brown	Recesses the committee for five minutes. Calls the committee back at 7:03 p.m.
126	Sen. Brown	MOTION: Moves to ADOPT SB 1000-2 AS CONCEPTUALLY AMENDED amendments dated 6/23/05.
		VOTE: 5-0-0
	Chair Brown	Hearing no objection, declares the motion CARRIED.
130	Sen. Atkinson	Asks if all the testimony on SB 1073 could be made part of this record.

133	Chair Brown	Responds that there was over seven hours of testimony on SB 1000.
135	Sen. Atkinson	Repeats his request.
136	Chair Brown	Asks if there is any objection to Senator Atkinson's request.
141	Chair Brown	No objections noted. (see tape log for June 7, 2005 3:00 p.m. meeting)
144	Sen. Brown	MOTION: Moves SB 1000 to the floor with a DO PASS AS AMENDED recommendation.
147	Sen. Ferrioli	Provides notice of a possible minority report. Expresses concern that although there have been diligent attempts the bill does not address the problems that have been expressed. Explains what the intent of the minority report will be if drafted.
179	Chair Brown	States for the record that in page one of the -2 amendments, the language regarding religious exception was designed to track federal case law. States the committee has a fiscal impact on the bill.
205	Sen. Shields	Voices his appreciation for the work done to accommodate the concerns expressed. Believes there is a moral obligation to pass the bill.
215		VOTE: 3-2-0 AYE: 3 - Ringo, Shields, Brown NAY: 2 - Atkinson, Ferrioli The motion CARRIES. SENATORS BATES, WESTLUND AND MORSE will lead discussion on the floor.
	Chair Brown	
220	Chair Brown	Closes the work session on SB 1000 and adjourns the committee meeting at 7:10 p.m.

EXHIBIT SUMMARY

- A. HB 3090A, outline, Representative Jerry Krummel, 1 p**
- B. HB 3090A, correspondence, staff, 2 pp**
- C. HB 3090A, prepared testimony, Alan Mishler, 2 pp**
- D. HB 2050A, -A6 amendments, Senator Charlie Ringo, 2 pp**
- E. SB 1000, -2 amendments, staff, 4 pp**
- F. HB 3092A, -A5 amendments, J. L. Wilson, 1 p**
- G. SB 671, -8 and -12 amendments, Dave Barrows, 20 pp**
- H. SB 671, Mutual Utility plan package, Dave Barrows, 20 pp**
- I. SB 1079, prepared testimony, Steve Kafoury, 2 pp**
- J. SB 1079, correspondence, Elon Hasson, 2 pp**